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09/462,342	01/07/2000	SATOSHI OBATA	KOIK-P9501	4969

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EXAMINER

SWICKHAMER, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2697

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12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.	09/462,342	Applicant(s)	OBATA ET AL.
Examiner	Christopher M Swickhamer	Art Unit	2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 June 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other:

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the Amendment filed 06/09/03. Amended claims 1, 5, 6, 7, 11, and 12 have been entered. Claims 4 and 10 have been cancelled. Currently no claims are in condition for allowance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kabushiki et al (EP 0835037 A2). Referring to claim 1, Kabushiki discloses an information transmitting apparatus for use in a Intra-Station ATM backbone network (first network), designed to transmit information via a Access ATM Network (second network) to an information receiving apparatus incorporated in a home (third) network (Fig. 1), characterized by comprising band-receiving means for reserving a band on the Access ATM Network (second network, col. 35, lns. 24-31, the cell switch router and the NIU setup a connection of a desired quality level by reserving a certain amount of bandwidth, col. 34, lns. 39-45); generating means for generating a Routing/ARP table (mapping table) showing the address of the information receiving apparatus (Fig. 3, Fig. 7, col. 23, lns. 50-col. 24, lns. 30); transmitting means for transmitting information

by referring to the Routing/ARP table (mapping table) generated by the generating means (Fig. 3, col. 32, Ins. 4-15); receiving means for receiving IP packets containing program guide (video input) information; and browser (GUI)-generating means for generating a browser (GUI), synthesizing the browser (GUI) with the IP packets containing program guide (video) information received by the receiving means and outputting a combination of the browser (GUI) and the IP packets with program guide (video) information to the video terminal (col. 31, Ins. 15-35).

Referring to claim 2, Kabushiki discloses an information transmitting apparatus according to claim 1, characterized in that the generating means generates a mapping table showing the physical address (channel number) of the first network, the next hop address (address) of the second network and the physical port (channel number) of the third network, which correspond to one another (Fig. 11, col. 26, Ins. 40-59).

Referring to claim 3, Kabushiki discloses an information transmitting apparatus according to claim 2, characterized in that the first and third networks are IEEE 1394 serial-data bus networks (Fig. 33 and 42).

Referring to claim 5, Kabushiki discloses a method of transmitting information in an apparatus for use in a IntraStation ATM Backbone (first) network, designed to transmit information via a Access ATM network (second) network to an information receiving apparatus incorporated in a home (third) network (Fig. 1), characterized by comprising: a band-reserving step of reserving a band for the Access ATM Network (second network, col. 35, Ins. 24-31, the cell switch router and the NIU setup a connection of a desired quality level by reserving a certain amount of bandwidth, col. 34, Ins. 39-45); a generating step of generating a Routing/ARP table

(mapping table) showing the address of the information-receiving apparatus (Fig. 3, col. 23, lns. 50-col. 24, lns. 30, col. 32, lns. 4-15); a transmitting step of transmitting information by referring to the Routing/ARP table (mapping table) generated in the generating step receiving step of receiving IP packet information with program guide (video) information input and a browser (GUI)-generating step of generating a browser (GUI), synthesizing the browser (GUI) with the received IP packets containing program guide (video) information and outputting a combination of the browser (GUI) and the IP packets containing the program guide (video) information (col. 31, lns. 15-35).

Referring to claim 6, Kabushiki discloses a recording medium recording a program for use in a IntraStation ATM Backbone (first) network, designed to perform a process of transmitting information via a Access ATM network (second) network to an information receiving apparatus incorporated in a home (third) network, characterized in that said program can be executed by a computer and includes: a band-reserving step of reserving a band for the Access ATM Network (second network, col. 35, lns. 24-31, the cell switch router and the NIU setup a connection of a desired quality level using a certain amount of bandwidth, col. 34, lns. 39-45); a generating step of generating a Routing/ARP table (mapping table) showing the address of the information receiving apparatus (Fig. 3, col. 23, lns. 50-col. 24, lns. 30); a transmitting step of transmitting information by referring to the Routing/ARP table (mapping table) generated in the generating step (col. 32, lns. 4-15); a receiving step of receiving IP packet information with program guide (video) information input; and a browser (GUI)-generating step of generating a browser (GUI) synthesizing the browser (GUI) with the received video

information, outputting a combination of the browser (GUI) and the IP packet information with program guide (video) information (col. 31, lns. 15-35).

Referring to claim 7, Kabushiki discloses a guide server (information receiving apparatus) for use in a IntraStation ATM Backbone (first) network, designed to receive information via a Access ATM network (second) network from an video terminal (information transmitting apparatus) incorporated in a home (third) network (Fig. 1), characterized by comprising generating means for generating a Routing/ARP table (mapping table) showing the address of the video terminal (information transmitting apparatus, Fig. 3); and transfer means for transferring information (available programs, etc.) by referring to the Routing/ARP table (mapping table) generated by the generating means (col. 32, lns. 4-15), the information comprising a browser (GUI) generated by the video terminal (information transmitting apparatus) using (synthesized with) IP packets containing program guide (video) information received by the video terminal (information transmitting apparatus, col. 31, lns. 15-35).

Referring to claim 8, Kabushiki discloses an information receiving apparatus according to claim 7, characterized in that the generating means generates a Routing/ARP table (mapping table) showing the destination address (channel number) of the first network, the next hop address (address) of the second network and the datalink address (port number) of the third network, which correspond to one another (Fig. 3).

Referring to claim 9, Kabushiki discloses an information receiving apparatus according to claim 8, characterized in that the first and third networks are IEEE 1394 serial-data bus networks (Fig. 33 and 42).

Referring to claim 11, Kabushiki discloses a method of receiving information in a guide server (information receiving apparatus) used in a IntraStation ATM Backbone (first) network, designed to receive information via a Access ATM network (second) network from a video terminal (information transmitting apparatus) incorporated in a home (third) network (Fig. 1), characterized by comprising: a generating step of generating a Routing/ARP table (mapping table) showing the address of the video terminal (information transmitting apparatus, Fig. 3, col. 23, Ins. 50-col. 24, Ins. 30); and a step of transferring information by referring to the Routing/ARP table (mapping table) generated in the generating step (col. 32, Ins. 4-15), the information comprising a browser (GUI) generated by the video terminal (information transmitting apparatus) synthesized with IP packets with program guide (a video) information received by the video terminal (information transmitting apparatus, col. 31, Ins. 15-35).

Referring to claim 12, Kabushiki discloses a recording medium recording a program for use in a IntraStation ATM Backbone (first) network, designed to perform a process of receiving information via a Access ATM network (second) network from an information transmitting apparatus incorporated in a home (third) network (Fig. 1), characterized in that said program can be executed by a computer and includes: a generating step of generating a Routing/ARP table (mapping table) showing the address of the video terminal (information transmitting apparatus, col. 23, Ins. 50-col. 24, Ins. 30); and a step of transferring information by referring to the Routing/ARP table (mapping table) generated in the generating step (col. 32, Ins. 4-15), the information comprising a browser (GUI) generated by the video terminal (information transmitting apparatus) synthesized with a IP packets containing program guide (video)

information received by the video terminal (information transmitting apparatus, col. 31, Ins. 15-35).

Referring to claim 13, Kabushiki discloses an information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks, characterized by comprising: reserving means for reserving bands for the networks (col. 35, Ins. 24-31, the cell switch router and the NIU setup a connection of a desired quality level by reserving a certain amount of bandwidth, col. 34, Ins. 39-45); generating means for generating a Routing/ARP table (mapping table) showing the address of a video terminal (destination, Fig. 3); communicating means for communicating information by referring to the Routing/ARP table (mapping table) generated by the generating means (Fig. 3, col. 32, Ins. 4-15); receiving means for receiving IP packets with program guide (video) information input; and browser (GUI)-generating means for generating a browser (GUI), synthesizing the browser (GUI) with the IP packets with program guide (video) information received by the receiving means and outputting a combination of the browser (GUI) and the IP packets with the program guide (video) information (col. 31, Ins. 15-35).

Referring to claim 14, Kabushiki discloses a method of transmitting and receiving information in an information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks (Fig. 1), characterized by comprising: a reserving step of reserving bands for the networks (col. 35, Ins. 24-31, the cell switch router and the NIU setup a connection of a desired quality level by reserving a certain amount of bandwidth, col. 34, Ins. 39-45); a generating step of generating a Routing/ARP table (mapping table) showing the address of a video terminal (destination, col. 23, Ins. 50-col. 24, Ins. 30); a communicating step

of communicating information by referring to the Routing/ARP table (mapping table) generated in the generating step (col. 32, Ins. 4-15); a receiving step of receiving IP packets with program guide (video) information input; and a browser (GUI)-generating step of generating a browser (GUI), synthesizing the browser (GUI) with the IP packets containing the program guide (video) information received in the receiving step and outputting a combination of the browser (GUI) and the IP packets with the program guide (video) information (col. 31, Ins. 15-35).

Referring to claim 15, Kabushiki discloses a recording medium recording a program for use in an information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks (Fig. 1), characterized in that said program can be executed by a computer and includes: a reserving step of reserving bands for the networks (col. 35, Ins. 24-31, the cell switch router and the NIU setup a connection of a desired quality level by reserving a certain amount of bandwidth, col. 34, Ins. 39-45); a generating step of generating a Routing/ARP table (mapping table) showing the address of a destination; a communicating step of communicating information by referring to the Routing/ARP table (mapping table) generated by the generating means (Fig. 3, col. 23, Ins. 50-col. 24, Ins. 30, col. 32, Ins. 4-15); a receiving step of receiving IP packets with program guide (video) information input; and a browser (GUI)-generating step of generating a browser (GUI), synthesizing the browser (GUI) with the IP packets containing program guide (video) information received in the receiving step and outputting a combination of the browser (GUI) and the IP packets with program guide (video) information (col. 31, Ins. 15-35).

Response to Arguments

4. Applicant's arguments filed 06/09/03 have been fully considered, but they are not persuasive. Referring to the argument on page 8, lines 10-11. The applicant asserts that Kabushiki fails to disclose synthesizing a GUI with received video information. The Examiner respectfully disagrees. Kabushiki discloses that the video terminal receives IP packets containing the program guide (received video information). The video terminal uses the packets to create a browser (GUI) for selecting a desired program (col. 31, lns. 20-30). Thus Kabushiki discloses using IP packets containing video information on available programs to create (synthesize) a browser (GUI).

5. Referring to the argument on page 8, lines 26-27, the applicant asserts that Kabushiki does not disclose that its guide server receives the video data from its video servers. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., guide server receives the video data from its video servers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Swickhamer whose telephone number is (703) 306.4820. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (703) 305.4798. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9571 for regular communications and (703) 872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305.3900.

CMS
July 21, 2003



RICKY NGO
PRIMARY EXAMINER